

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARONTE TYRONE LEWIS,
Plaintiff,
v.
CONNIE GIPSON, ET AL.,
Defendants.

No. 1:20-cv-00574-NONE-HBK
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. No. 117)

Plaintiff Daronte Tyrone Lewis, a state prisoner, initiated this action by filing a civil rights complaint under 42 U.S. C. § 1983. (Doc. No. 1). The matter was referred to the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 2, 2021, the assigned magistrate judge issued findings and recommendations, recommending that defendants' motion to dismiss (Doc. No. 54) be granted in part and denied in part, without prejudice. (Doc. No. 117 at 13-14.) Specifically, the findings and recommendations recommended the motion to dismiss be granted as to any claims brought by plaintiff for monetary damages against defendants named in their official capacities, but in all other respects be denied without prejudice. (*Id.*) The findings and recommendations further recommended that the Clerk of the Court be directed to reflect on the docket plaintiff's voluntary dismissal of named defendants Gavin Newsom, CDCR Secretary Ralph Diaz, and CDCR Director Connie Gipson, without prejudice. (*Id.*) The findings and recommendations contained

1 notice that any objections thereto were to be filed within fourteen days of receiving service. (*Id.*
2 at 14.) Plaintiff filed objections on September 20, 2021. (Doc. No. 118). Defendant did not file
3 objections.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
6 and recommendations to be supported by the record and by proper analysis. Plaintiff's
7 objections do not undermine the reasoning contained within the findings and recommendations.

8 ACCORDINGLY:

- 9 1. The findings and recommendations, filed on September 2, 2021 (Doc. No. 117), are
10 adopted in full;
- 11 2. Defendants' motion to dismiss is granted in part and denied in part as set forth in the
12 findings and recommendations;
- 13 3. Defendants shall file their answer and affirmative defenses in accordance with the
14 applicable rules;
- 15 4. This matter is referred to the assigned magistrate judge for further proceedings.

16 IT IS SO ORDERED.

17 Dated: September 21, 2021

18 
UNITED STATES DISTRICT JUDGE